

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

CORY HOWARD, et al.,	:	
	:	
On behalf of themselves and all others	:	Civil Action No. 11-00687 (AJT/IDD)
similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
CLYDE'S RESTAURANT GROUP, INC., et al.,	:	
	:	
Defendants.	:	

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL AS TO MICHAEL ARONOFF,  
FRANZ HIRMAS, CLAIR SIEREN, TATIANA GABRIELLA, MARISSA LAVALETTE,  
AND NERY MARTINEZ**

Please take notice that the claims of Michael Aronoff, Franz Hirmas, Clair Sieren, Tatiana Gabriella, Marissa Lavalette, and Nery Martinez, each of whom had previously joined the above-captioned FLSA collective action as opt-in plaintiffs, are being voluntarily dismissed pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). It is Plaintiffs' position that these individuals can be dismissed without a signed stipulation by all parties because Defendants did not file an answer or motion for summary judgment after the date on which each of these individuals joined the case through filing of their signed consent forms.

Because the claims of Tatiana Gabriella, Marissa Lavalette and Nery Martinez are being dismissed as untimely under the applicable statute of limitations, their claims are dismissed with prejudice. The claims of Michael Aronoff, Franz Hirmas and Clair Sieren are being dismissed without prejudice. The claims of the other named and opt-in plaintiffs in this action are not being voluntarily dismissed.

Dated: September 28, 2012

RESPECTFULLY SUBMITTED

/s/Heidi R. Burakiewicz

Heidi Burakiewicz

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**CERTIFICATE OF SERVICE**

I certify that on September 28, 2012 Plaintiffs served a copy of the foregoing document on Defendants' counsel of record using the CM/ECF system, which will send notification to the following:

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/s/Heidi R. Burakiewicz  
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